



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 3, 1998

Mr. Michael J. West
Assistant District Attorney
Twenty-first Judicial District of Texas
Burleson and Washington Counties
P.O. Box 303
Brenham, Texas 77833

OR98-1823

Dear Mr. West:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117118.

The Office of the District Attorney (the "district attorney") for the Twenty-first Judicial District received a request for records concerning a prosecution. You cite to section 552.028 of the Government Code in support of your assertion that the district attorney need not comply with this request for information. Section 552.028 provides as follows:

- (a) A governmental body is not required to accept or comply with a request for information from an individual who is imprisoned or confined in a correctional facility.
- (b) Subsection (a) does not prohibit a governmental body from disclosing to an individual described by that subsection information held by the governmental body pertaining to that individual.
- (c) In this section, "correctional facility" has the meaning assigned by Section 1.07(a), Penal Code.¹

¹Section 1.07(a)(14) of the Penal Code provides:

"Correctional facility" means a place designated by law for the confinement of a person arrested for, charged with, or convicted of a criminal offense. The term includes:

- (B) a confinement facility operated by the Texas Department of Criminal Justice;
- (C) a confinement facility operated under contract with any division of the Texas Department of Criminal Justice; and

(Footnote added.) This provision permits governmental bodies to decline to accept or to comply with requests for information submitted by "an individual who is imprisoned or confined in a correctional facility," as that statute defines correctional facility. As you indicate the requestor is confined in a correctional facility, we conclude that section 552.028 allows the district attorney to decline to accept or to comply with the request.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID#117118

cc: Mr. Steve Ray Davis
Washington County Detention Center
1206 Old Independence Road
Brenham, Texas 77833